

AMENDED IN SENATE JUNE 17, 2008

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY APRIL 9, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2861**

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**Introduced by Assembly Member Hayashi**

February 22, 2008

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An act to amend and repeal Section 1317.1 of the Health and Safety Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2861, as amended, Hayashi. Emergency services and care.

Existing law provides for the regulation of health facilities, including general acute care hospitals and acute psychiatric hospitals. Existing law requires emergency services and care to be provided to any person requesting the services or care for any condition in which the person is in danger of loss of life. For purposes of these provisions, existing law defines emergency services and care to include additional screening, examination, and evaluation by a physician, or other personnel to the extent permitted by applicable law and within the scope of their licensure and clinical privileges, to determine if a psychiatric emergency medical condition exists as provided.

This bill would define psychiatric emergency medical condition as specified, *and would, for this purpose, include admission as an inpatient to a psychiatric unit within a general acute care hospital or an acute psychiatric hospital within the care and treatment of this condition.*

This bill would also make a technical change.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1317.1 of the Health and Safety Code,  
2 as amended by Section 91 of Chapter 886 of the Statutes of 1989,  
3 is repealed.

4 SEC. 2. Section 1317.1 of the Health and Safety Code, as  
5 amended by Section 1 of Chapter 544 of the Statutes of 1999, is  
6 amended to read:

7 1317.1. Unless the context otherwise requires, the following  
8 definitions shall control the construction of this article and Section  
9 1371.4:

10 (a) (1) “Emergency services and care” means medical screening,  
11 examination, and evaluation by a physician, or, to the extent  
12 permitted by applicable law, by other appropriate personnel under  
13 the supervision of a physician, to determine if an emergency  
14 medical condition or active labor exists and, if it does, the care,  
15 treatment, and surgery by a physician necessary to relieve or  
16 eliminate the emergency medical condition, within the capability  
17 of the facility.

18 (2) “Emergency services and care” also means an additional  
19 screening, examination, and evaluation by a physician, or other  
20 personnel to the extent permitted by applicable law and within the  
21 scope of their licensure and clinical privileges, to determine if a  
22 psychiatric emergency medical condition exists, and the care and  
23 treatment necessary to relieve or eliminate the psychiatric  
24 emergency medical condition, within the capability of the facility.

25 *The care and treatment necessary to relieve or eliminate a*  
26 *psychiatric emergency condition may include admission or transfer*  
27 *to a psychiatric unit within a general acute care hospital or an*  
28 *acute psychiatric hospital. For the purposes of Section 1371.4,*  
29 *emergency services and care, as defined in this paragraph, shall*  
30 *not apply to services provided under managed care contracts with*  
31 *the Medi-Cal program to the extent that those services are excluded*  
32 *from coverage under the contract.*

1 (3) "Psychiatric emergency medical condition" means a mental  
2 disorder that manifests itself by acute symptoms of sufficient  
3 severity as to render the patient as either of the following:

4 (A) An immediate danger to himself or herself or to others.

5 (B) Immediately unable to provide for, or utilize, food, shelter,  
6 or clothing.

7 (4) This subdivision does not expand, restrict, or otherwise  
8 affect, the scope of licensure or clinical privileges for clinical  
9 psychologists or other medical personnel.

10 (b) "Emergency medical condition" means a medical condition  
11 manifesting itself by acute symptoms of sufficient severity  
12 (including severe pain) such that the absence of immediate medical  
13 attention could reasonably be expected to result in any of the  
14 following:

15 (1) Placing the patient's health in serious jeopardy.

16 (2) Serious impairment to bodily functions.

17 (3) Serious dysfunction of any bodily organ or part.

18 (c) "Active labor" means a labor at a time at which either of  
19 the following would occur:

20 (1) There is inadequate time to effect safe transfer to another  
21 hospital prior to delivery.

22 (2) A transfer may pose a threat to the health and safety of the  
23 patient or the unborn child.

24 (d) "Hospital" means all hospitals with an emergency department  
25 licensed by the state department.

26 (e) "State department" means the State Department of Public  
27 Health.

28 (f) "Medical hazard" means a material deterioration in medical  
29 condition in, or jeopardy to, a patient's medical condition or  
30 expected chances for recovery.

31 (g) "Board" means the Medical Board of California.

32 (h) "Within the capability of the facility" means those  
33 capabilities which the hospital is required to have as a condition  
34 of its emergency medical services permit and services specified  
35 on Services Inventory Form 7041 filed by the hospital with the  
36 Office of Statewide Health Planning and Development.

37 (i) "Consultation" means the rendering of an opinion, advice,  
38 or prescribing treatment by telephone and, when determined to be  
39 medically necessary jointly by the emergency and specialty  
40 physicians, includes review of the patient's medical record,

1 examination, and treatment of the patient in person by a specialty  
2 physician who is qualified to give an opinion or render the  
3 necessary treatment in order to stabilize the patient.  
4 (j) A patient is “stabilized” or “stabilization” has occurred, *for*  
5 *purposes of an emergency medical condition or active labor*  
6 *referred to in paragraph (1) of subdivision (a)*, when, in the opinion  
7 of the treating provider, the patient’s medical condition is such  
8 that, within reasonable medical probability, no material  
9 deterioration of the patient’s condition is likely to result from, or  
10 occur during, a transfer of the patient as provided for in Section  
11 1317.2, Section 1317.2a, or other pertinent statute.